

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MSC.SOFTWARE CORPORATION,

Plaintiff(s),

CASE NUMBER: 07-12807

HONORABLE VICTORIA A. ROBERTS

v.

**ALTAIR ENGINEERING, INC., MARC
KLINGER, ANDREA PERTOSA, STEPHAN
KOERNER, TOM RIEDEMAN, RAJIV RAMPALLI
MARK KRUEGER, and MICHAEL HOFFMAN**

Defendant(s).

ORDER

This matter is before the Court on Altair's "Motion for Protective Order Regarding MSC. Software Corporation's Subpoena for Documents to General Atlantic." (Doc. # 616).

Altair's motion is **GRANTED**.

The United States District Court for the District of Delaware issued an order authorizing MSC to issue a subpoena to obtain documents from General Atlantic, LLC (General Atlantic), Altair's private investor and not a party to this action.

Altair says in light of the current status of this case, the General Atlantic subpoena is objectionable because it is: (1) overly broad, (2) unduly burdensome in that Altair already provided the documents MSC requests; and (3) irrelevant.

MSC disagrees and says that the General Atlantic subpoena is necessary because Altair refuses to provide MSC with financial information critical to MSC's claims.

On December 22, 2008, prior to the issuance of the subpoena, this Court held Altair had fulfilled its obligation to produce many of the documents the subpoena seeks. MSC cannot

gather from a non-party what the Court said Altair has already produced or does not have an obligation to produce.

Federal Rule of Civil Procedure 26 directs the Court to prevent the imposition of an undue burden on General Atlantic: “[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden . . .” Fed. R. Civ. P. 26(c). Such protection is warranted here.

Altair’s motion is **GRANTED**.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: February 7, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on February 7, 2013.

S/Linda Vertriest
Deputy Clerk